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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,735	06/30/2000	Martin J. Pagel	1775P	1578
7590	02/13/2004		EXAMINER	
Sawyer Law Group LLP P O Box 51418 Palo Alto, CA 94303			CURCIO, JAMES A F	
			ART UNIT	PAPER NUMBER
			2132	
			DATE MAILED: 02/13/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/608,735	PAGEL, MARTIN J.
	<b>Examiner</b> James Curcio	<b>Art Unit</b> 2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 June 2000.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-35 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date 2. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

***DETAILED ACTION***

***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
2. The following title is suggested: Evidencing and Verifying Postal and Other Indicia of Value at Point of Destination Using Secret Key Cryptography.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 9 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Limitation "a" is missing a noun phrase following the word "respective" rendering the limitation indefinite. Examiner interprets this missing noun phrase as "geographic designation."
5. Claim 15 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The sentence of line 19 is indefinite because it has two ungrammatically adjacent noun phrases "the destination" and "the distribution center services" followed by a prepositional phrase modifier.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-2, 9-10, 15, 22-23, 32-35 rejected under 35 U.S.C. 102(e) as being anticipated by Heiden et al (US006438530B1).
8. As per claims 1, 9, 15, 22, and 32, Heiden et al discloses a plurality of postage generating devices (see "PC" in Heiden et al - abstract), a plurality of distribution centers (see "data center" in Heiden et al – abstract and "mail induction point" and "postal processing" in Heiden et al - column 9, lines 34-42), a key distribution step or center (see "software module in Heiden et al, column 7, lines 18-24 and 51-52), an assigning a plurality of verification keys step (see "generates the digital postage stamp using the stamp data, user data, and server data" in Heiden et al – column 7, lines 21-24, 27-32, and 45-55), an associating a key ID step (see "using a cryptographic key" in Heiden et al – column 7, lines 56-64 and see also column 9, lines 45-59), a distributing step (Heiden et al – column 9, lines 16-21, 34-38, and 45-59), a generating verification keys and corresponding key IDs step (Heiden et al – column 9, lines 34-38 and 45-59), a using step (Heiden et al – column 7, lines 56-64 and column 9, lines 45-59), a verifying step (column 9, lines 17-21 and 27-33 and column 9, line 65 to column 10, line 6), a requiring that verifiers perform step (see "audit", "location", "mail induction point", and "postal processing" in Heiden et al – column 9, lines 16-42), a determining the mail piece's postal region step (see "mail induction point" and "postal processing" in Heiden

et al – column 9, lines 34-42), a transferring mail piece to the distribution center step (see “mail induction point” and “postal processing” in Heiden et al - column 9, lines 34-42), and a using the key ID read from the indicia step (see “compares the audited stamp to the list of stamps” in Heiden et al - column 9, lines 27-33 and see also Heiden et al – column 9, lines 17-21).

9. As per claims 2, 10, and 23, in addition to the teachings applied above, Heiden et al discloses an assigning secret keys step (see “identification of the server that generated software module” in Heiden et al - column 7, lines 51-52) and an encrypting the verification keys step (see “encrypts the concatenation of the postage stamps digital signature and the addressee information” in column 9, lines 50-53).

10. As per claims 33-35, in addition to the teachings applied above, Heiden et al discloses the step of using zip codes, destination zip codes, and return address zip codes to represent the geographic designations (see “origin zip code of the PC” in Heiden et al – column 7, line 48 and “destination postal codes” in Heiden et al – column 9, lines 45-47).

#### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 3-7, 11-14, 16-21, and 24-31 rejected under 35 U.S.C. 103(a) as being unpatentable over Heiden et al (US006438530B1).

13. As per claims 3, 11, 16-18, 24, and 28-31 in addition to the teachings applied above with respect to claims 1-2, 9-10, 15, 22-23, and 32-35, while Heiden et al fails to expressly disclose steps for generating a master key, and encrypting the key ID as a function of the master key, Heiden et al teaches an encrypted second digital signature of addressee information (i.e. geographic designation) and a first postage stamp digital signature, which uses a cryptographic key to sign a postage stamp data including the identification information for the server sending the software module to a group of postage indicia generators (i.e. designation of the group) (Heiden et al – column 7, lines 45-64 and column 9, lines 45-53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Heiden et al by using the indicia generator to encrypt the key of the second digital signature, in the same manner as the second digital signature is encrypted, with a master key, created in the same manner as the cryptographic key used to create the first postage stamp digital signature. One of ordinary skill in the art would be motivated to do so in order to further prevent fraudulent printing or copying of the postage indicia (Heiden et al – column 8, line 66 to column 9, line 1).

14. As per claim 4, in addition to the teachings applied above, Heiden et al discloses a generating and printing indicia for postage step (Heiden et al – column 9, lines 45-59).

15. As per claims 5-7, 12, 19, and 25, in addition to the teachings applied above, Heiden et al discloses the step of verifying the indicia at a destination distribution center (see “postal processing” and “mail induction point,” which can be both destination and originating distribution centers, in Heiden et al – column 9, lines 34-42).

16. As per claims 13-14, 20-21, and 26-27, in addition to the teachings applied above, while Heiden et al discloses a step of performing postage verification onsite at a destination distribution center (see “postal processing” and “mail induction point,” which can be both destination and originating distribution centers, in Heiden et al – column 9, lines 34-42), Heiden et al fails to expressly disclose in the preferred embodiment a step of performing postage verification by a third party that is in remote communication with the destination distribution center. However, Heiden et al discloses as an alternative to onsite postage verification that the verification can take place at a third party induction point prior to reaching the distribution center (Heiden et al – column 9, lines 36-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Heiden et al by including this alternative step in the preferred embodiment. One would have been motivated to do so in order to lessen the burden on the destination distribution center and thus make mail processing more efficient (Heiden et al – column 9, lines 36-38).

17. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Heiden et al (US006438530B1) as applied to claims 1-7 and 9-35 above, and further in view of Leon (US 20030028497A1). Heiden et al, as in the teachings applied above, discloses a step for generating and printing indicia for postage on a mail piece (Heiden et al – column 9, lines 45-59) but fails to expressly disclose a step for generating and printing indicia for tickets. However, Leon teaches this feature (see “secured ticket” in Leon – paragraph 50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Heiden et al by including this ticket indicia printing

step. One would have been motivated to do so in order to make the postage indicia printer capable of printing other information and to thus broaden its scope of functionality (Leon – paragraph 50).

***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Cordery et al (US006567794B1)
- b. Gravell et al (US006546377B1)
- c. Pintsov et al (US006532452B1)
- d. Pauschinger (US006523014B1)
- e. Pierce (US006427139B1)
- f. Cordery et al (US005675650A)
- g. Schwartz et al (US 20030004900A1)
- h. Allport et al (US 20020046192A1)

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Curcio whose telephone number is 703-305-8887. The examiner can normally be reached on Tuesday through Friday from 7:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, can be reached at 703-305-1830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2132

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC

February 6, 2004

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